

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 319

BY JUDICIARY, RULES AND ADMINISTRATION COMMITTEE

AN ACT

RELATING TO THE STATE APPELLATE PUBLIC DEFENDER; AMENDING SECTION 19-870, IDAHO CODE, TO REVISE THE POWERS OF THE STATE APPELLATE PUBLIC DEFENDER AND TO MAKE A TECHNICAL CORRECTION.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 19-870, Idaho Code, be, and the same is hereby amended to read as follows:

19-870. POWERS AND DUTIES. (1) Subject to the provisions of subsection (2) of this section, the state appellate public defender, upon appointment by the court, shall provide representation for indigent defendants ~~in felony criminal actions~~ in the following cases:

(a) Appeals from convictions or post-judgment orders in district court, ~~where the appellant was convicted on or after September 1, 1998;~~

(b) Interlocutory criminal appeals from district court, ~~where the interlocutory appeal was filed on or after September 1, 1998;~~

(c) Appeals from the district court of misdemeanor cases where the notice of appeal was filed on or after October 1, 2020;

(d) Appeals from the district court of orders or final judgments affecting a juvenile offender under the juvenile corrections act, chapter 5, title 20, Idaho Code, where the order or final judgment was entered on or after October 1, 2020;

(e) Appeals from the district court in post-conviction relief proceedings brought pursuant to the uniform post-conviction procedure act, chapter 49, title 19, Idaho Code, ~~where the grant or denial of the post-conviction relief occurred on or after September 1, 1998;~~

(~~df~~) Appeals from the district court in habeas corpus proceedings brought pursuant to chapter 42, title 19, Idaho Code, ~~where the petition was granted or denied on or after September 1, 1998; and~~

(~~eg~~) Post-conviction relief proceedings in district court in capital cases ~~where the appellant was sentenced on or after September 1, 1998, or where the court has appointed the state appellate public defender or the state appellate public defender has accepted the request by the court for representation in the case and such event occurred on or after July 1, 1998, but before March 1, 1999.~~

(2) The services of the state appellate public defender shall be available only to those counties participating in the capital crimes defense fund established pursuant to section 19-863A, Idaho Code.

(3) The state appellate public defender may employ deputy state appellate public defenders and other employees necessary to carry out the responsibilities of the office. The state appellate public defender, in his discretion, may contract with private attorneys to provide representation on a case-by-case basis when such contracts would conserve budgetary resources.

1 (a) A deputy state appellate public defender must be licensed to prac-
2 tice law in the state of Idaho and possess any other qualifications re-
3 quired by the state appellate public defender.

4 (b) The state appellate public defender shall fix the compensation of
5 all employees of the office and they shall serve at his pleasure.

6 (c) The state appellate public defender, deputy state appellate pub-
7 lic defenders and all employees of the office of the state appellate
8 public defender shall be nonclassified employees, pursuant to section
9 67-5303, Idaho Code.

10 (4) The state appellate public defender shall have any and all other
11 powers and duties necessary to carry out the purposes of this act, including
12 the authority to promulgate rules in accordance with the provisions of chap-
13 ter 52, title 67, Idaho Code.